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- ART. VI. — 1. *Kanzas and Nebraska : the History, Geographical and Physical Characteristics, and Political Position of those Territories ; an Account of the Emigrant Aid Companies, and Directions to Emigrants.* By EDWARD E. HALE. With an original Map from the latest Authorities. Boston : Phillips, Sampson, & Co. 1854. 12mo. pp. 256.
2. *Organization, Objects, and Plan of Operations of the Emigrant Aid Company : also a Description of Kanzas, for the Information of Emigrants.* Third Edition, with Additions. Boston. 1854. pp. 24.
3. *Nebraska and Kanzas. Report of the Committee of the Massachusetts Emigrant Aid Company, with the Act of Incorporation, and other Documents.* Boston. 1854. pp. 32.
4. *Articles of Agreement and Association of the Emigrant Aid Company.* Boston. 1854. pp. 8.

THE philosophical historian who, at some distant day, shall review the period from the present point back over the last three centuries, will perhaps conclude that its most striking feature and efficient agency is Emigration, — the colonization of new territories, and the traduction of large bodies of men, even of nations and races, over oceans or continents. In the primal ages the human family spread by gradual diffusion. At a later stage, and so long as society retained a savage or a nomadic character, before civilization had performed its first office, in fastening individuals in families to particular localities, there was a continual shifting of abode. Hunting tribes were necessarily migratory ; drifting hither and thither, as prevalence of game, or pasturage, or security from danger prompted, or the vicissitudes of war compelled. In a more advanced state of society, occasional instances occurred of the transit of large and organized communities over great distances, and successively from point to point. Traces are now found, in monuments, inscriptions, customs, and traditions, of the migration of the lost tribes of Israel across the entire face of the Asiatic continent, and perhaps from island to island of the Pacific, to the northwest point of America. It is, we apprehend, the general opinion of those who have examined the

subject most thoroughly and have had the best means of forming a judgment, that both the American continents were supplied with their aboriginal inhabitants by a gradual descent and progression from Behring's Straits to Cape Horn. Remarkable instances of the swarming of races are recorded in the earliest periods known to history. Phœnicia and Greece sent forth their colonies. Every age has witnessed and groaned under military incursions and conquests, vast armies overrunning and overwhelming provinces and kingdoms. In such cases, the invading hosts have frequently been absorbed and swallowed up by the subject races, leaving the local religions, usages, and even languages to a great extent, flourishing as before. In some instances the conquerors have for a time maintained the relation of masters, the original inhabitants being held in serfdom, or reduced to absolute personal slavery, as mere transferable chattels. In others a more favorable result has occurred, the two races have soon become blended, and all traces of distinctive origin obliterated and lost.

A European population was drawn over the Atlantic, very gradually and insensibly, in the earlier periods of the colonization of North and South America. Perhaps the most remarkable case of the transportation of races to be found in the whole course of history, is that of the African. Benevolence in the first instance — alas for the short-sightedness of man! — is understood to have commenced the process. Avarice, rapacity, and cruelty soon took it up, and for three centuries it has been transferring that wronged and outraged portion of the human family, by force and violence, from one hemisphere to the other. It is still going on, in spite of all the efforts of modern philanthropy, aided by all the power of the civilized governments of the world, to stop it. What the result will be, and in what way the designs of an overruling Providence, in suffering this long-continued iniquity, will be fulfilled, remain to be disclosed. For some purpose, the interior of the vast continent of Africa continues to be mysteriously reserved from the encroachments of any other race. May it not be held in waiting for its own people, like another Israel, to return from bondage, and carry back to it the light of religion and

the blessings of liberty? Future generations, in distant centuries, will see, at last, the Divine benignity and wisdom displayed and vindicated.

The great fact in modern history — by the operation of which the world's reorganization, we trust it may be said, its regeneration, its social and political regeneration, is to be wrought out — is the peopling of this hemisphere. Without speculating further upon the inscrutable methods by which an unerring Providence will finally make the wrath and wickedness of man to praise Him, in the redemption, from and through bondage, of the African race, — a subject too painful and too much involved in clouds for us to penetrate, — confining our view to the European and American continents, we already begin to see the beneficent and the grand results to be produced by the transportation of the family of civilized man from one to the other.

When society had become impaled, as it were, in the Old World, its abuses hardened into petrifications, and all its limbs, muscles, and nerves fastened to the ground by the dead weight of feudal institutions pressing upon its bosom, and there was no hope, no possibility, that it could throw off the burden and rise again to its feet, — when progress was for ever forbidden, and superstition, ignorance, and prejudice had thoroughly done their work, — when tyranny and priestcraft reigned securely and inexorably, enthroned on the willing passions, and cherished traditions of a people wholly besotted and wholly enslaved by blind allegiance and implicit faith, — at that moment the remedy was provided. The curtain was lifted from the Western Ocean, and another theatre — open, vast, and fresh — was supplied upon which to work anew the great problem of humanity. The American continents were discovered. An emigration at once began, which has continued, in ten thousand forms, and with a steadily increasing volume, to this day. It pours its hundreds of thousands annually upon our shores. The treasures of antiquity, classic lore, the refinements of social life, and whatever was good and worthy of preservation, have come over to take a new start, and illustrate a new experiment of humanity here, on an unoccupied and unrestricted field. Christianity, with its two great agencies

for the regeneration of the race, — the consecrated home, and the doctrine of the fraternal equality of all mankind, — has disengaged itself from the dead body of European Christendom, and commenced its career, in its truly divine freedom, and of course in all its divine power, in the New World. Society, upon entering on an untrodden and a clear arena, has recovered at once its progressive energies, and, every burden and clog left behind, those energies have worked irrepressibly, and gone on expanding by their own legitimate law of growth. By this transfer, on so vast a scale and in a perpetual process, of European and Christian civilization to the New World, a result has been reached which already reacts upon the Old World. The electric element of reform and progress is flashing back to awaken, reanimate, and stimulate the nations. The ancient forms of government and society still remain propped up by their usual artificial supports, but the quickening spirit is permeating the interior of society, and the establishment of popular rights and universal education, and the final prevalence of peace, liberty, and truth throughout the earth, are as sure to the eye of reason as to the heart of faith.

While such, in the broadest view, embracing both hemispheres and covering the last three centuries, are the effects that have been, and remain to be, produced, by Transatlantic emigration drawing civilization over to America, and reflecting back a new life to the older continents, it is pleasing, curious, and instructive to trace the origin and course of the more limited processes of the same agency. Indeed, it seems to be the instrument always employed by the Great Ruler in promoting the progress of particular races or families of men. The Hebrew was transplanted to Egypt and then brought back to Palestine to fulfil his mission. Upon being removed to the shores of Greece, a Phœnician colony started on a career of greatness and splendor, that made them the wonder of all ages. Northern barbarians, poured over the South of Europe, at once felt and imparted the spring of that imperfect civilization, which had reached its culminating point when the opening of a new field, on the American continent, enabled the race to enter, as we have shown, upon its last great march of progress and reform.

We witness the operations of this process of emigration in our own day, in various instances and directions, and it becomes us, instead of complaining of the incidental evils which more or less accompany it, to await, in the exercise of a faith which not only religion, but all history, inspires, the development of its remedial, salutary, and beneficent effects. The ignorant and destitute multitudes who annually crowd in thousands and hundreds of thousands to our shores, may, to a certain extent, disturb, encumber, and embarrass society, — their presence may awaken prejudices and complaints which, under the influence of short-sighted, bigoted, and malicious agitators, may be wrought into passions, and give rise to tumults and outrages, that disgrace the land. But the newcomers are all the while insensibly absorbed into the great body of the people, contribute elements that will improve the development of the national character, and, in the general mixture of races and blending of customs, habits, associations, and sentiments, will produce in the end a stronger and better aspect and impress of humanity than the world has ever yet witnessed. The Californian and Australian emigrations afford pregnant topics to the philanthropist, the statesman, the philosopher, and the financier. But perhaps none is more interesting, none, it may be, will prove more momentous, than that urged in the publications now before us.

Spreading out the map of North America, we notice that a large portion of its interior space — the tract between the Indian Territories north of Texas, the River Missouri, the British possessions, and the Rocky Mountains — is as yet unoccupied. The first suggestion that occurs to us is, that this region is the very centre and heart of the continent. On the east and west it is bounded by strong geographical demarcations. To the south and north it stretches across the whole range of the most salubrious latitudes. Travellers and explorers inform us that it is, over the whole of its surface, free from stagnant waters, marshy wastes, and all malarious elements. Fresh, bright, and sparkling streams intersect its vast area, flowing, within its limits, into wide and noble rivers. The face of the country rises gradually as it approaches the barrier of the Rocky Mountains. A large part of it is rolling prairie,

by nature smooth and ready for the plough. The soil is precisely adapted to the cultivation of grains, fruits, and grasses, and to the maintenance of an industrious, intelligent, and enterprising agricultural population of the best and highest type, — such a population as would reach the most powerful and auspicious development in the centre of a great continent. It is impossible to extend the thoughts far into the future, without recognizing the importance which will ultimately attach to that great plateau, from the banks of the Missouri to the declivities of the Rocky Mountains. The two shores of the continent will communicate over its surface; the commerce of the world will traverse it. Through the passes of the mountains, it will be connected with California, the Pacific, and Asia, while railroads, steamboats, and canals from the Atlantic, and the eastern world beyond, will penetrate to its heart. In all probability that region will be found, when the whole continent is reduced to settlement, to embrace the densest population on its entire area. If, as we trust and believe, the union of these American States is to prove perpetual, their capitol may at last adorn some lofty and lovely terraced bank of the Upper Kansas or Nebraska. It will probably never be removed from its present site, until it is established there.

It is obvious that no issue can possibly arise, more important in its bearings upon the future of America or of mankind, than that which determines the character of the people who are to occupy the region just described and the institutions of government and society to be established there. It cannot but decide the destinies of the continent, and the last great experiment of humanity. From that central heart will flow influences, for good or ill, that will reach each ocean shore and extend from the equator to the pole. If society is built up there upon the eternal basis of right and liberty, — if freedom and education illuminate and bless all classes and all employments, — if every being within its limits, bearing the lineaments of a man, partakes of the common sovereignty and shares in the common lot, — then we may be sure that from it a light will irradiate that will kindle with its beams the elements of social progress and regeneration in all the surrounding regions, and

throughout the world. If, on the contrary, society should be established there upon a false basis, — upon a denial of the great first principles of liberty, justice, and right, — upon a denial of the equal brotherhood of man and the common fatherhood of God, — if labor and intelligence, if industry and honor, are to be respectively severed from each other, and for ever kept apart, the work of life to be done and its burden borne by one class or race, and its pleasures and privileges enjoyed and its power wielded by another class or race, — if humanity is to be subjected, at once and for ever, to the twofold curse of oppressing and being oppressed, and all its nobler elements and energies crushed and annihilated, — if such is to be the fate of the great central regions of our continent, the paralysis will inevitably spread to the extremities, and society reach no better issues, humanity find no nobler fate, in the New World than in the Old. Thus momentous is the question whether freedom or slavery shall be established in Kansas and Nebraska. That question is now in the process of solution. The circumstances that have led to its agitation, and the influences that will determine its settlement, are worthy of being fully considered, and put upon record in their true light. To bring the movement into view, in all the motives and sentiments that originated it, and will control it to the end, we must go back to a remote point, and take a wide survey of our history as a nation.

Each year as it passes reveals, what a dispassionate and careful scrutiny of the subject in its essential nature and necessary bearings would from the first have taught, that the institution of African slavery is the great anomaly, the deeply radicated and to human ken all but ineradicable malady and mischief of our American political system. It was forced upon the colonies against their earnest and constant remonstrances. At the termination of the Revolution, fortunately for the Northern and some of the Middle States, it existed among them to so limited an extent that it was within their power without much difficulty to throw it off. But in the Southern States, while it was acknowledged to be a fearful evil, it was felt to be beyond the reach of legislative remedy. Its removal from a portion of the States, while it was acqui-

esced in as an established institution by the others, constituted not only a line of division between them, but an element of antagonism, which has, ever since, perplexed the wisdom of statesmen, disturbed the faith of patriots, and placed a mischievous, and often destructive, enginery in the hands of politicians and parties. A strange fatality seems to attend all the calculations and operations of those who attempt, from any quarter, to grapple with this institution in order to restrain and reduce it on the one hand, or to promote the enlargement of its area, on the other. It flourishes under the blows of assailants; it pines and dies if attempts are made to increase its prevalence and power. The fathers of the Constitution imagined that they had secured its inevitable and speedy extinction, when they provided for the abolition of the foreign slave-trade, thereby cutting off, as they supposed for ever, its supply. Little did they dream that they were imparting to it the enduring vitality of a prohibitory tariff of protection, giving to the domestic producer the monopoly of the home-market, and creating that passion for an enlargement of the area of slave labor, which has thus far controlled the administration of the Union. That was the error of a past generation. We apprehend that the present generation labors under an equal error on this delusive and inscrutable subject. It seems to be quite generally believed that the institution is transitory in its nature, destined to starve itself out before long, and to disappear beneath the superior energy of free labor. We fear that this is not so. There can be no doubt, indeed, that, if wise and considerate counsels prevailed among mankind, free labor would everywhere and in all cases be preferred to slave labor; but wise and considerate counsels do not prevail among mankind. Neither communities nor individuals can be relied upon to choose what is most profitable for themselves. Passion, prejudice, indolence, ease, and love of pleasure control the actions of men, more than reason, or even expediency. Georgia was originally consecrated to free labor. There is no more interesting or affecting chapter of American history than the narrative of the long-continued struggle of the wise and good men who founded that colony and administered its early affairs to resist the influence that finally consigned it to slave

labor. The hardy yeomen who tilled their few acres on the southern side of the Savannah by the toil of their own hands and the sweat of their own brows, protracted from morning to night, day after day, without intermission, when they crossed the river and beheld the condition and mode of life of the Carolina planter, reclining at ease and in luxurious idleness and elegance, in his hospitable and costly mansion, surrounded by obsequious menials, and his princely estate pouring a constant stream of wealth into his coffers without the least exertion or a moment's labor of his own, could not but envy and sigh for his apparently so much happier lot. The temptation was indeed irresistible, and at last the nobler policy of Oglethorpe and his philanthropic and pious associates yielded to the weakness of humanity, and Georgia became a slave State, — a great State, it is true, — but not, as she would have been had she adhered to her first glorious dedication, the greatest in the Union.

Slavery is most seductive in its appeals to the lower, short-sighted, and selfish motives of the land-holder. To get rid of the toil and weariness of agriculture, and to enjoy its results in ease and affluence, is what many men cannot refuse or resist. When, in addition to this, we take into view the fact, that the legislation of the country from the very beginning has surrounded this species of property by a prohibitory tariff, keeping out a foreign supply, and securing to the domestic producer a monopoly of the entire market, and that a market constantly extending, who can be surprised that men cling to the institution? If, as the census tables seem to show, the slave producers of Virginia receive some \$ 7,000,000 annually from the exportation of the article to other States, who can be so foolish as to suppose that they will voluntarily relinquish such a lucrative business? So far from its being true that slavery will die out of itself, if extraordinary circumstances had not roused the country, — if affairs had been suffered to take their own unnoticed course, — the institution would in all probability have insensibly obtained irretrievable ascendancy, and have overshadowed the whole continent. But there is reason now to believe that the attempt to open wide the door for its universal spread has, by virtue of the perverse

law which has already been noticed, not only put limits that it may not pass, but started it on a retreat from which it will never recover its former position.

To recur to the period of the formation of the Constitution, the great sentiment of liberty and equal human rights, wrought into a popular passion by the Revolutionary struggle and its glorious close, together with a conviction, which seems at that time to have been forced, by the calamitous course of the war in the Southern Department, upon the minds of the statesmen in that quarter, that slavery was a source of fatal national weakness, led to a universal disapproval and even abhorrence of the institution. The North was determined to put a stop to its further extension, and the most enlightened men of the South acquiesced in the anticipation of its final extinction. At the same time there was, on the part of the States where slave property still remained in considerable quantity, a natural sensitiveness and repugnance to interference with it, from the other States, or from the general government. They would not then, any more than now, part with the control of it. Out of these combined, although to some extent conflicting sentiments, arose the extreme difficulty of disposing of the subject in framing the Constitution of the United States. At length it was agreed that slaves, in virtue of their mixed character of persons and property, should have a fractional representation in the government, and that they should not be harbored, when escaping from their owners, by any legislative regulations in the free States, but be liable, while in the limits of said States, to reclamation. On the other hand, it was arranged that the further importation of the article might be repressed forthwith by a duty, and after a specified period, less than twenty years, forbidden altogether. In this way it was imagined that the extinction of the institution was provided for. Its further territorial extension over the surface of the continent was effectually barred, as all then understood, by its exclusion from the common territories of the Union, in the passage of the ordinance and compact of 1787, and by the perpetual maintenance and enforcement of all pre-existing engagements, in an express provision of the new Constitution. On this basis the government of the United States was adjusted, so far

as the slavery question was concerned. The arrangement was, on the whole, satisfactory, and would have been acquiesced in, (notwithstanding the fact that the non-importation provision worked so differently, in effect, from what had been expected by its framers,) had it been faithfully adhered to. But it has been violated in the administration of the government. The barriers, which all supposed had been securely fixed, have been torn away, and the slave institution threatens to spread over the whole continent, even, as has been tauntingly and boastfully said, until it reaches the shadow of Bunker Hill Monument.

The acquisition, by purchase, of Louisiana, was undoubtedly justified by its importance to the welfare and prosperity of the country. A study of the difficulties continually rising in that region from the fact of its being under a foreign and variable jurisdiction, will lead a candid mind, we think, to admit that the acquisition was demanded by the necessities of the case. But there was no provision, and no authority for the acquisition or annexation of new territory, in the Constitution; and it was a great oversight not to have adjusted the slavery question, at the time, in accordance with the precedent in the ordinance of 1787. The annexation without such an adjustment has proved the opening of Pandora's box to the peace and harmony of our country. In due time Missouri, lying for the most part north of the line agreed upon, at the time of the formation of the Constitution, as the boundary of slavery, applied for admission into the Union. Slavery already existed there, by the original territorial law. The treaty of cession was considered as guaranteeing that as well as all other forms of the right of property. The celebrated contest on the occasion was at length terminated by going back to the fountain-head, and re-enacting the arrangement made at the formation of the Constitution. The eighth article of the act admitting Missouri was in substance, and, so far as geographically applicable, in words, a copy of the sixth article of the ordinance of 1787. By solemn agreement all north of thirty-six degrees thirty minutes north latitude, west of the Missouri line, was dedicated and pledged to freedom, just as all north of the Ohio River had been by the ordinance of 1787. The country again

subsided into acquiescence, and the slave question ceased to agitate the public mind. Occasional collisions of interest, real or imagined, occurred between the opposite sections of the Union, but nothing seriously to disturb the general harmony. The annexation of Texas and the conquest of New Mexico and California revived again the original vexed question. It was once more adjusted by the compromises of 1850. The arrangement was not satisfactory, in many points, to the North. But making a last great sacrifice to the spirit of peace, the people of the free States again acquiesced. The country, once more, resumed a tranquil state of feeling, although it required the utmost effort of patriotism and forbearance, on the part of the North, to become reconciled. A degree of sensitiveness still remained in the public mind, which, if no new provocation had been given, in the course of a few years, absorbed in other questions, might perhaps have been wholly removed.

There were, indeed, other great questions, and interests of vast national importance, urgently demanding attention; and the people and the government were just beginning to turn their thoughts to them, when—at that most unseasonable moment—by a strange and fatal perversity, from some quarter not yet fully discovered, the war was recklessly and ruthlessly revived. The thrice-renewed fight, to the surprise of the whole country, was begun again. No one can yet tell who struck the first blow, or from whose malign brain the project was born. No cloud, even as big as a man's hand, was to be seen on any quarter of the horizon. The thunder burst over our heads from a clear sky. The transition was instantaneous from universal harmony and good-will to a most furious sectional struggle, which no man can stay, and in whose progress all parties, and all politicians, seem destined to be swallowed up. All that appears on the face of the transaction is that certain leading political personages and interests proposed to the South to break down the barriers raised by a solemn agreement, to which both sections of the country had been principal parties. The Southern representatives, with a few honorable exceptions, yielded to the temptation, and, in defiance of remonstrances rising loud and stern from the entire area of the free States, took the responsibility of opening again

the slavery agitation in a form most aggravating and most irretrievable. A more untimely and uncalled-for movement never was made. It is impossible to conceive what party or what interest it was designed to benefit. The mischiefs it has created strew the ground in all directions and in all quarters. Its authors and apologists roused the deepest passions of American freemen, when, in vindication of their course, they expressed the derisive belief that the clamor raised by the North would be but a nine days' wonder,—that the free States were used to be encroached upon,—that they would soon submit to the outrage, and that all expressions of resentment and indignation would be stifled under the reproachful names of Free-Soil declamation and Abolition fanaticism. Indeed it was scarcely concealed, nay, it was openly avowed, that there was to be no end to slavery encroachments, and that all attempts by the free States to resist their doom would prove utterly in vain.

Then, again, the abstract doctrines involved in the movement were as alarming and as odious as the tone and spirit in which it was pressed were irritating and provoking. The sentiment was everywhere proclaimed by the advocates of the measure,—and the measure itself was applauded on that very ground,—that the first population of a territory belonging to the United States of America have a right to determine the political and social institutions of that territory precisely as they may please. Does not every man see that this frightful doctrine prostrates utterly and for ever all the safeguards of constitutional liberty? Where are the securities of minorities or of individuals, if the people of a Territory, or even of a State, can do precisely what they take a fancy to do? Have Territories more popular sovereignty than States? States cannot do whatever they take a fancy to do. Our whole system of republican liberty rests upon the right assumed to forbid certain things ever being done or attempted by State governments, or the general government, or the people, in any form in which they can act, in any generation of our posterity. It is, indeed, an outrage upon the popular sovereignty of the American people, who have forbidden that a crown be ever worn, or a badge of nobility mounted, or an *ex post facto* law passed, to deny

them the power of consecrating the continent they own to freedom. They have the same right to determine that there shall never be a slave on the face of their common domain, which they have exercised in determining that there shall never be a king within their limits. The common sense, the natural pride, the best feelings and hopes of an enlightened, patriotic, and humane people, are shocked by the monstrous dogmatism that denies to them the power to forbid for ever the establishment of slavery, or polygamy, or castes, or sutteeism, or cannibalism, or any other wrong or enormity, within the limits of their common territories. The doctrine that the inhabitants of a particular locality shall be allowed to introduce and cherish any institution whatever, however much it may blight, or cripple, or dishonor our glorious republic, is as extravagant a folly as was ever broached.

The manner in which the bill removing the restriction of slavery, and allowing it to extend indefinitely over the American continent, was carried through, was itself adapted to fan the flame of general excitement into the greatest violence. The parliamentary securities of our liberties and rights were prostrated to allow it to pass. It may not perhaps be generally understood how important a place what is called "parliamentary law" occupies in the maintenance of a republican and representative system of government. The fifth section of the first article of the Constitution is devoted exclusively to the subject. But, in addition to the points thus settled and secured, there are others, which experience has shown to be essential to the rights of the people. Although not fixed by constitutional guaranty, some of these provisions have been ever justly regarded as too sacred to be violated. All bills go through a double process, under the rules,—first in Committee of the Whole, and then in the House,—before they can become laws. It has been found necessary to the transaction of the public business, to lodge in the representative body the power of closing debate, and of bringing the will of the assembly into expression and effect, by the application of the previous question. This power, however, can be exercised only in the House. In the Committee of the Whole debate is free, and as every measure is required to go through that

committee before it can be acted upon by the House, the right of the people to be heard through their representatives on every measure, before it can become a law, is secured.

Since the foundation of the government the following has been a rule of the House of Representatives:—

(127.) “Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.”

By this rule, which has ever heretofore been held sacred, a scrutiny and discussion of each clause and word of a bill are provided for twice before it can bind the people as law, — and in the first instance, while in committee, without being subject to the previous question. Under the shelter and protection of this provision many of the most sacred and momentous rights and interests of the people have been deposited, as by the following rules of the House:—

(131.) “No motion or proposition for a *tax* or *charge* upon the *people* shall be discussed the day on which it is made or offered; and *every such* proposition shall receive *its full discussion in a committee of the whole House.*”

(132.) “No sum or quantum of tax or duty, voted by a committee of the whole House, shall *be increased* in the House, until the motion or proposition for such increase shall be *first discussed and voted in a committee of the whole House*; and so in respect to the time of its continuance.”

(133.) “All proceedings touching appropriations of money shall be first discussed in a committee of the whole House.”

The above three rules have been faithfully observed *for sixty years*, since November 13, 1794, in our House of Representatives.

One inconvenience was found to arise from the unlimited freedom and extent of debate allowed in Committee of the Whole. Members, by proposing frivolous and interminable

amendments on all the clauses and phases of a bill, would sometimes protract discussion, and stave off unreasonably and factiously the decision of the measures. If those measures were destined to become laws, it was seen that in no way could the inconvenience be guarded against, consistently with the rights of the people and the discrimination and the discretion of the legislature. But in cases where it became evident that the measure *would not pass*, in other words, where there was a certain majority, at all events, against a bill, the waste of time in discussing it in detail might, it was seen, with safety and propriety be avoided by a summary process. Whatever becomes a law binds the people, more or less, and ought to be well and thoroughly considered in all its parts, by their representative agents. But it is of no sort of consequence, so far as the rights and privileges of the people are concerned, what may be the provisions, in detail, of a bill that fails to become a law; the people are left, in all their liberties and rights, just where they were before it was proposed. With this view, on the 13th of March, 1822, the following rule was established. The circumstances that led to its adoption prove that it was designed exclusively to operate upon bills *against which there was an absolute majority*, and whose rejection was a foregone conclusion.

(119.) "A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, *shall be considered equivalent to its rejection.*"

There is room for some doubt, perhaps, whether this rule was designed to apply at all to the Committee of the Whole. The last clause, "shall be considered equivalent to its rejection," seems, indeed, to look as if the rule could only be applicable to the House, where alone a bill can be rejected, in the proper sense of the word. But we are willing to concede that the circumstances which led to the establishment of the rule indicate that it was designed to apply to Committees of the Whole, in such cases as just described, that is, where there is a majority fixed against the bill, in which cases its application is open to no objection, but may be highly convenient and salutary. It is the custom in the House of Representatives to

put a limit to the length of speeches. The rule to this effect was finally adopted on the 7th of July, 1841, although attempts to establish it had been made, at different times, for twenty years before. The rule is as follows :—

(34.) “No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: provided, that, where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege on debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee.”

The practice under these rules is for a vote to be taken in the House, fixing the time, to a minute, when the general debate, that is, of one-hour speeches, shall cease in the committee. When that moment arrives, the chairman of the committee announces that the general debate has closed; and then what is called the *five-minute debate* commences, under the provisions of the 127th and 34th rules, as above quoted. The freest range and latitude of debate are allowed in the one-hour speeches. The person having the floor is confined to no subject, but may occupy his time in discussing any topic whatever of a public nature. During the five-minute stage, on the contrary, the utmost strictness of debate is enforced. The members are compelled to speak directly and closely to the amendment proposed. This is, in reality, *the debate* on the bill. It is the decisive crisis of the question.

Where diverse opinions and projects exist touching the measure, and the bill has many particulars, and the vote is understood to be close, the five-minute debate is regarded as the best stage to defeat it. In the multiplicity of ingenious and skilful amendments that practical and artful tacticians may propose, the bill will be in great danger of losing clauses vital to its success, of undergoing changes that will render it distasteful to its supporters, or of receiving additions that will

sink it to the bottom. For this reason the friends of the Kansas and Nebraska bill particularly dreaded that stage, and many of its most zealous opponents were impatient to reach it. This motive, no doubt, actuated some who voted to suspend the rules in order to get at the bill, and to fix the time closing the general debate. The sequel showed how grossly they were overreached and deceived.

The time was fixed for closing the general debate. It was reached, and the operation of the 127th and 34th rules commenced. The zeal and vigor and evident preparation for a long and desperate assault, with which the opponents of the bill brought forward their well-arranged proposals of amendment, alarmed its supporters. Indeed, it can hardly be doubted that, if the debate had been suffered to proceed through all the voluminous and complicated sections of the bill, it would have been effectually crippled, riddled, and finally sunk. Such a dangerous exposure was suffered but for a single day. The House adjourned when the first section had been scarcely more than entered upon. That night there were anxious consultations among the friends of the bill, while its opponents cheered one another on with confident assurances. The story at the time was, that the mode of escape was revealed in a dream to one of the most ingenious and distinguished tacticians of the majority. At any rate, it was at once resorted to, and with entire success, the next morning. Immediately upon going into committee, the motion was made, and sustained by the chair, under the 119th rule, to "strike out the enacting clause of the bill." It was at once unscrupulously and ruthlessly put and carried. The committee rose forthwith. The chairman reported that the committee had had the Kansas and Nebraska bill under consideration, had come to a conclusion thereon, and directed him to report to the House that the bill ought not to pass! Thereupon the House *rejected* the report of the committee, and, having thus got the bill into their possession, clapped the previous question upon it, and passed it!

In this way a measure vitally affecting the honor of the nation, the destinies of the continent, and the fortunes of humanity, over its entire surface, breaking down all the barriers,

arrangements, compacts, and compromises by which the fathers of every generation had sought to preserve the peace of the Union, and opening the floodgates of sectional bitterness and strife, was sprung upon the country. A rule which its history, its express terms, and all its context show was exclusively designed to be used by a majority *hostile to a measure*, was perverted to the purpose of a majority *friendly to its passage*. A barefaced parliamentary falsehood was uttered. It stands written on the records. The House acting in committee proclaimed that a bill ought not to pass, while it was thereby passing it. It was necessary, in order to pass it, to declare in solemn form that it ought not to pass. And, in the very face of the people and the world, the majority shrank not from the desperate artifice. Parliamentary history exhibits no parallel. In that procedure all the securities of the people provided by the machinery of a Committee of the Whole and the rules of the House, were utterly overthrown. A reckless and bold majority can now, under cover of that precedent, fasten upon the country any provisions of law without giving the representatives of the people in the legislature a chance to examine or expose them. In point of fact, many had refrained from critically examining the details of the Kansas and Nebraska bill, relying upon an ample opportunity to do so during the five-minute debate, under the 127th and 34th rule, and it is not at all improbable that the bill had never been read by some members, when the gag was applied, and they were suddenly forced to the vote on its passage.

When the subject is thoroughly understood, it will be seen that the use made of the 119th rule on that occasion was the deadliest blow ever struck at the rights of the people through their legislative agents and constitutional representatives; and that our securities can never be restored, and made impregnable, until the rule is so amended as to provide that, if the House refuse to accept the report of the Committee of the Whole made under it, the subject shall at once go back into the possession of the committee, and be dealt with according to the 127th and 34th rules.

The passage of the Kansas and Nebraska bill in this manner filled the measure of Northern indignation. An excite-

ment was spread throughout the whole body of the Free States, such as was never experienced before. Those who had created it flattered themselves that it would gradually subside as on former occasions, that party machinery and patronage would be able to overmaster and subdue it, and that the divisions that have always been the bane of the Free States would render it harmless. But their calculations have been disappointed. A feeling has gone deep into the hearts of the Northern people that a great wrong has been done,— a wrong too unprovoked, too uncalled for, too deliberate, to be forgotten. This feeling, pervading the entire people of the Free States, is a bond of union, and for the first time brings their whole strength to bear upon the government. The North is, at last, a unit, as the South always has been, on the slavery question. This is a state of things by no means to be lamented by the true friends of the country in either section of the Union. It will restore its peace. As soon as the politicians find it out, we shall be saved all further trouble from them on this score. It makes the slavery question too sharp, and too many-edged, for presidential aspirants to handle. It will be dropped, all around, as an electioneering element. The subject will be driven from the sphere of national legislation, and the great, common, suffering interests of the country will again receive the attention of Congress and the government.

In the mean time the friends of freedom, in the exercise of a right which none can for a moment dispute, are coming to the rescue in their strength. The vast importance of saving the great central region of the continent to freedom has been discussed in the former part of this article. It had long ago been pledged to freedom, by the most solemn compacts. The Kansas and Nebraska bill broke those pledges, and opened its vast plains to slavery. The act proclaims, that the question whether it shall be bond or free shall be determined for ever by those who first settle upon it. The friends of freedom accept the issue, and are gathering to the scene to secure its dedication to the great principles of human rights, and to the blessings which liberty scatters around her track. In this way the people, exercising the sovereignty they have been invoked to assert, will repeal the Kansas and Nebraska act, and re-

store the territory to its rightful freedom, without awaiting the slow and bitter process of party struggles and election conflicts, saving Congress the trouble and mortification of undoing its work, and leaving the government to pursue its legitimate functions, with the benefit of the lesson it will not soon forget, never more to meddle with the slavery question.

But the adjoining State of Missouri, particularly the contiguous counties, having slave labor, Kansas, at least, must naturally become slaveholding, unless special efforts are made to counteract or overbalance that influence. Such efforts are now making, and with the prospect of success.

The emigration of freemen and assertors of the rights and blessings of free labor to the territories whose destiny hangs upon the hour, is organized, and in operation, on a large scale. The movement is one of the most striking and interesting incidents and signs of the times. Societies or companies for this purpose have been formed in New England, New York, the Middle and the Western States, on the broadest grounds, and with all that method, unity of action, energy, and economy, which might be expected when an enlightened and devoted body of men undertake a great enterprise, with great aims, and a firm determination to be prepared to encounter, and to overcome, all obstacles. The art of transportation to remote points of large companies of persons, cheaply, expeditiously, and safely, has reached great perfection, in this day of express passenger agencies of all sorts. The enterprise commenced on an extensive plan by the Harndens has come to play no unimportant part in the movements of the world.

We are inclined to think that the emigration organizations having in view the peopling of Kansas and Nebraska with freemen have been arranged as wisely and efficiently, with as complete an adaptation to all the circumstances that can affect the enterprise, as any ever contrived. Legislative charters have been obtained. Men of large means have been enlisted, capable and energetic agents have been employed, and the procedure is going forward under the most favorable auspices. Several successive detachments have already reached the ground. Others are on their way, and others still are making preparations to follow. The times are favorable. The check

that has been put upon emigration to California and Australia allows opportunity for those who have caught the passion for a change of scene, and partake of the desire to remove to new and enlarged fields of labor and enterprise, to turn their thoughts to the noble agricultural prospects opened in these temperate, salubrious; and fertile regions, where the forests have been cleared by the hand of Nature, and broad savannas are waiting, in all their virgin richness, for the sower and the reaper to gather immediate and abundant crops. Already the thrift, energy, and life-inspiring activity which the free labor of free men carries around it like an atmosphere, are beginning to awaken and adorn the scene wherever emigrants have "located their claims." The effect is reaching the contiguous counties of Missouri, where the value of property even now feels the rising tide. The impulse given to trade and business of all sorts, from the warehouses and steam-tonnage of St. Louis, on both sides of the Missouri, and all its tributaries, to their utmost sources, will very soon subdue the animosity that has been threatened, and the whole Great West will rejoice in the blessings which the redemption of Kansas and Nebraska to freedom, and their early settlement secured by the effort, will reflect back upon the prosperity, wealth, and power of that predestined seat of our republican empire.

The publications whose titles we have prefixed to this article shed full light upon this last form of that great law of emigration, which, as we stated at the outset, is, under different shapes, with various motives and ends, and in diversified directions, one of the most prominent features of modern times. The several pamphlets belong to a class of writings brought out for the occasion, and from them the history of the movement, in its inception and all its details, can be learned. We cannot resist the temptation to add interest to our pages by quoting several passages descriptive of the country, from "Notes of a Trip up the Kansas River," &c., by George S. Park, contained in the first of the pamphlets whose titles we have given.

"On both sides of the river, above the Wakatusa, there are excellent bottom lands; and, a short way beyond these, a fine site for a town presents itself on the north side, — while still farther up on the south bank

the high prairie comes right down to the water's edge, presenting another appropriate place where the busy hum of commerce may by and by speak the presence of a city. Here we saw numerous cabins of settlers; and away, as far as the eye could reach, in a southwesterly direction, the prairies were high and rolling like the waves of old ocean. Southward, beautiful groves dot the prairie, and the dark line of timber that stretches along the Wakarusa valley, — with the great prairie-mound, so to speak, fixed there as the landmark of perpetual beauty, — the meandering river, with its dark skirting forests of timber on the north, — all are scenes in Nature's magnificent panorama, here brought within range of vision. Proceeding north, high, rich bottoms extend for many miles, and we saw vast thickets of grape-vines, pea-vines, raspberries, and papaws. The timber was principally oak, walnut, ash, hickory, mulberry, hackberry, linden, cotton-wood, and coffee-bean."

"We passed, on the north side, a fine bluff, with clumps of trees on the top, rich rolling prairie in the back ground, and heavy timber above and below. A little farther up, on the left bank, a high prairie bottom comes in, which swells gracefully away southward, with copses of timber, presenting to the enraptured pioneer sites for the choicest farms."

"On the left were conical bluffs and high prairie-mounds, with figured lines, and steps rising one above another in the distance, contributing to the scenery a very romantic appearance. Immediately above there is another beautiful prairie bottom, sloping back northward farther than we could see; and on the left still another, containing more than two thousand acres, in a bend not more than three fourths of a mile across the neck. The world does not present a more excellent situation for a stock farm; indeed, the whole line of the main river and branches, from here upward, may be said to be adapted for a continuous series of such farms."

"We strolled up the Republican," (a fork of the Kansas River,) "gathered some black raspberries, and crossed a spring-branch, then mounted a high bluff, whence we could see the beautiful Republican valley a long way up. It is nearly three miles wide, high, dry, and level, with a loose, black, rich soil. The river flows in a serpentine course through the prairie bottoms, at some bends making nearly a circuit of six or eight miles, and coming back to within a mile of itself again, — the banks generally having a light fringe of timber, with occasional groves near the water's edge, in the ravines and on the bluffs."

"Some forty miles up the Smoky-Hill, an extensive bed of gypsum has been found, specimens of which have been tested, and proved to be of superior quality. Salt is also alleged to be very abundant on the Saline fork. Specimens of coal, both bituminous and anthracite, and of tin,

lead, and iron ore, have been brought in. The rock in the vicinity of the Smoky-Hill is principally limestone; and the river bottoms are a sandy loam. The upland prairies are broken, but of black, rich soil, particularly where limestone predominates; the valleys are also very rich, and the soil mellow. Passing over the high uplands, often there is nothing to be seen but prairie spreading out beyond, till it is lost in dim distance; when, all at once, as if by magic, you come upon a

‘Woody valley, warm and low,’

with fine springs and clear running water. This is, indeed, a well-watered region, and must be salubrious.”

“In the great Kansas valley, below the Potawatomie, and in the eastern region along the Missouri, there are some of the finest hemp-lands in the world. Wheat, corn, oats, and vegetables grow as well there as in any of the Western States. The winters are generally dry and pleasant, and the roads fine; but little snow falls, and this lays on the ground only for a short time. Common cattle, colts, mules, and sheep can be wintered on blue-grass, provided the pastures are allowed to grow up in the fall, and the stock have a little corn or hay occasionally. The summers are quite warm and long. The high prairies, however, are generally fanned by cool, refreshing breezes; and as we ascend the branches of the Kansas from Fort Riley, there is a rapid rise to a cooler region.”

It cannot be doubted that such a country as is described in the foregoing extracts, in the centre of North America, with a temperate and healthful climate, if its institutions are established upon a just and true basis, will ultimately exhibit one of the highest developments of our race.

Mr. Hale’s work on Kansas and Nebraska is prepared with great judgment and skill, and, in a clear and pleasing style, presents a remarkably full and satisfactory account of the country, and of the enterprise of which it is the theatre at the present moment. It is a volume which every emigrant ought to possess, and which cannot but be read with interest and advantage by all who desire to be well informed in reference to our country and its destinies. It is natural that Mr. Hale should have had his attention specially called to this subject. The Kansas and Nebraska emigration movement is the fulfilment and realization of one of his early and cherished visions. He tried to save Texas to freedom by the same instrumentality, and urged an organized emigration to that region, in a pamphlet entitled, “A Tract for the Day: How to con-

quer Texas, before Texas conquers us," — published in 1845. It may be, after all, that the voluntary emigration which has gradually found its way to Texas will be true to itself, and that "popular sovereignty," at no distant day, will restore its soil to free labor.

The reader who has followed us through the foregoing pages, and sympathizes in the view we have taken of the subject, cannot but be interested in learning something of the person to whose energy, enthusiasm, and prowess this emigration movement is mainly owing, and by whom it is in a great measure superintended and conducted. A writer in the London Times gives a sketch of the career and character of Eli Thayer, the substance of which is, with some items collected from another source, as follows.

Mr. Thayer is a young man, not more than thirty-five years of age. Fifteen years ago he was at work on his father's farm, in a town in the State of Massachusetts near the borders of Rhode Island. Eager for a better education than the district school provided, he obtained leave of his father to go to college. We present the particulars of his travels and experiences in search of an education, as not beneath the dignity of our journal, inasmuch as they may serve as an illustration and specimen of the expedients and adventures by which many of that class of men expressively denominated "Live Yankees" have found their way, from the humblest beginnings, to learning, usefulness, and greatness.

"Tying his few clothes in a cotton handkerchief, he placed the bundle on a canal-boat, and walked to the terminus of the canal, where he reclaimed the bundle, and continued his walk to a neighboring village, where was situated a school of 'preparation for the University.' This school was the Worcester Academy, instituted as a manual labor school, and always ready to receive pupils who had to work with their hands while they studied. He availed himself of such work as the day, and of such study as the night, gave him. After a little more than a year he passed a satisfactory examination in Greek and Latin, for admission to Brown University, in Providence, R. I., it being agreed that he might make up his deficiency in mathematics, after entering upon the college course; which condition he not only fulfilled, but graduated the first mathematician of his class. He varied his college studies with such practical labors as came within reach, such as working during leis-

ure half-days, and brief vacations, at some mechanical trade, such as nailing laths and other jobs. He occupied a few spare days, after his admission and before the collegiate studies began, hiring himself out, and, with coat off and stripped-up sleeves, digging post-holes, working with the humblest laborers. In this way he earned enough to buy a bed, table, and chairs for his room, and the few books required at the outset. In the winter he taught district schools. In this manner he paid his way through college, and had a balance of hard and ingenious earnings in his pocket, as he passed from the college walls into active life. He forthwith established a seminary for the education of girls in Worcester, an institution whose conspicuous edifice arrests the eye of the traveller. Very soon he was recognized by all as one who was sure to carry through whatever he undertook, and large machine-shops and other works, in that enterprising and busy city, are the monuments and the reward of his energy. His extraordinary success is the result of a certain force of character based upon persevering industry, a firm faith, and an enlightened and resolute will, which 'does not begin till it is sure, and then does not stop at all.'"

Mr. Thayer's extraordinary activity in business pursuits has not been suffered to bury his academic attainments in forgetfulness. On the same day he has been heard addressing his emigration companies in plain practical directions for their conduct and guidance, and discoursing, in Latin, to societies of scholars. He has been often honored by public trusts at the hands of his fellow-citizens of Worcester, and, in all respects, has proved himself worthy of their confidence. This is the man who conducted the "pioneer colony" from Massachusetts to Kansas. He devotes his fortune, his strength, and his heart to the cause. While his character is the natural fruit of the institutions and the spirit of the East, his energy, enthusiasm, and courage are destined to fulfil their mission, in securing the establishment of freedom, and all the blessings it bears with it, in the West.